

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE ex rel. PAUL V.
GALLEGOS, as District Attorney, etc., et
al.,

Plaintiffs and Appellants,

v.

THE PACIFIC LUMBER COMPANY et
al.,

Defendants and Respondents.

A112028

(Humboldt County
Super. Ct. No. DR030070)

**ORDER MODIFYING OPINION
[NO CHANGE IN JUDGMENT]**

THE COURT:

It is ordered that the opinion filed herein on January 10, 2008, be modified as follows:

On page 9, in the paragraph beginning “As an initial matter, we disagree . . . ,” the following two sentences are deleted entirely:

“(*People v. Sims* (1982) 32 Cal.3d 468, 487 [“ ‘the agents of the same government are in privity with each other, since they represent not their own rights but the right of the government’ ”]. Superseded by statute on another ground as stated in *Gikas v. Zolin* (1993) 6 Cal.4th 841, 851.)”

There is no change in the judgment.

DATED: _____

Pollak, Acting P. J.

Justice Horner* and Justice Siggins concur.

* Judge of the Alameda County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Trial Court:

Humboldt County Superior Court

Trial Judge:

Hon. Richard L. Freeborn

Counsel for Appellant
The People of the State of California
ex rel:

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County, Christa K. McKimmy, Deputy District
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The City and County of San
Francisco, in support of Appellant:

Dennis J. Herrera, City Attorney,
Danny Chou, Chief of Appellate Litigation